

**Permitting & Assistance Branch Staff Report**  
Revised Solid Waste Facilities Permit for the  
Moreno Valley Solid Waste Recycling and Transfer Facility  
SWIS No. 33-AA-0234  
January 12, 2015

**Background Information, Analysis, and Findings:**

This report was developed in response to the County of Riverside, Department of Environmental Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Moreno Valley Solid Waste Recycling and Transfer Facility (MRF & TS), located in Moreno Valley (County of Riverside), SWIS No. 33-AA-0234, and operated by Waste Management Collection and Recycling, Inc. (doing business as Waste Management) and owned by Waste Management, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The initial proposed permit was received on November 20, 2014. The new proposed permit was received on January 8, 2015. Action must be taken on this permit no later than March 9, 2015. If no action is taken by March 9, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes:**

The following changes to the first page of the permit are being proposed:

	Current SWFP (2003)	Proposed SWFP
Name & Mailing Address of Operator	Waste Management of Inland Empire 2655 S. Riverside Avenue Bloomington, CA 92316	Waste Management Collection & Recycling Inc. Dba Waste Management 9081 Tujunga Sun Valley, CA 91752
Name & Mailing Address of Owner	Waste Management of Inland Empire 2655 S. Riverside Avenue Bloomington, CA 92316	Waste Management Inc. 1 <sup>st</sup> City Tower 1001 Fanin Houston, TX 77002
Hours of Operation	Administrative Hours: Monday through Friday 8:00AM to 5 PM  Transfer Station Hours: Monday through Saturday 24 hours per day  Material Recovery Processing: 24 hours per day  Maintenance Facility: Monday through Saturday 24 hours per day	Administrative Hours: Monday through Friday 8:00 AM to 5:00 PM  Transfer Station Hours: Monday through Sunday 24 hours per day  Receipt of Refuse/Waste Material Recovery Processing (MRF): Monday through Sunday 24 hours per day  MRF Operating Hours: Monday through Sunday 24 hours per day  Ancillary Operations: Monday through Sunday 24 hours per day

	Current SWFP (2003)	Proposed SWFP
Permitted Area (in acres)	19.89	24.89

Other changes include:

1. Revisions to the following sections of the SWFP: “Findings,” documents that describe and/or restrict the operation of the facility, and “LEA Conditions” including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

**Key Issues:**

The proposed permit will allow for the following:

- Increase in the total permitted area of the facility from 19.89 to 24.89 acres; and
- Increase the days of operation from six to seven days per week at the Transfer Station/MRF and the Maintenance Facility.

**Background:**

Moreno Valley Solid Waste Recycling and Transfer Facility has been in operation/permitted since 1992, and is located at 17700 Indian Street, in the City of Moreno Valley. The facility is currently permitted to accept 2,000 tons per day; there will be no increase in the maximum daily tonnage associated with this permit revision.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated November 13, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on August 15, 2013. The LEA provided a copy to the Department on August 23, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on January 8, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	The LEA in their permit submittal package received on November 20, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in their memorandum dated December 18, 2014.	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on September 17, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on November 20, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on September 18, 2014. No members of the public were in attendance. No comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on September 17, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

The LEA has not noted any violations of State Minimum Standards or permit conditions during the last five years.

### **Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Moreno Valley, Community & Economic Development Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts, and mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: increase in the permitted area of the facility from 19.89 to 24.89 acres; and increase the days of operation from six to seven days per week at the Transfer Station/MRF and the Maintenance Facility. These changes are supported by the following environmental documents.

A Draft Environmental Impact Report (DEIR) , State Clearinghouse Number (SCH#) 90020002, was circulated for a 45 day review period from June 27, 1990 through August 13, 1990 to construct a waste management facility on 19.89 acres. The Final Environmental Impact Report (FEIR) was certified on November 28, 1990 by the City Of Moreno Valley City Council and a Notice of Determination was filed for this project.

Under CEQA Guidelines Section 15162, when an environmental impact report (EIR) has been certified or a Negative Declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted EIR or ND if minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

Based on these considerations, in July 2003, an Addendum to the previously certified FEIR was prepared and noticed by the Lead Agency to comply with CEQA for the purpose of the amended Conditional Use Permit (CUP) to delete references to limited days and hours of operation and allow 24 hour operations at the facility. Another Addendum to the FEIR was prepared and noticed for the amended CUP to allow an increase in the total acreage of the site by the Lead Agency, dated June 2014. Thus, Section 15164(b) of the CEQA Guidelines provides that an Addendum to the FEIR is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically that the changes will not result in any new, additional or substantially increased environmental impacts than were previously considered and addressed in the FEIR.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Department staff reviewed the revised project for any new or more severe significant environmental effects that are within its jurisdiction to control. There are no new significant impacts beyond those analyzed in the FEIR. The change in the days of operation and the increase in acreage will not result in any new significant impacts or substantially increase impacts related to noise, dust, odor, or air quality beyond those already analyzed in the FEIR.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the FEIR and Addendums as prepared by the Lead Agency. There is no substantial evidence in the record to indicate the changes to the project will result in any new or more severe significant effects on the environment that are within the jurisdiction of the Department to control beyond those already considered in the FEIR and Addendums. Thus, there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document, pursuant to 14 CCR Sections 15162 and 15163 respectively, or assume the role of Lead Agency, pursuant to 14 CCR Section 15052, for its consideration of the proposed revised SWFP. Department staff further recommends the FEIR and Addendums, together with the CEQA finding is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the proposed SWFP and all of its components and supporting documentation, this staff report, the FEIR and Addendums, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

#### **Public Comments:**

The project document availability and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on September 18, 2014, at the Moreno Valley Solid Waste Recycling and Transfer, 17700 Indian Avenue, in the City of Moreno Valley. No members of the public were in attendance. No oral or written comments were received by the LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on November 18, 2014 and December 16, 2014. No comments have been received by Department staff.